

* * *

Defendant(s).

ORDER

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge Leavitt should be accepted and adopted.

1

1 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-
2 tion (#4, entered December 23, 2009) is ACCEPTED and ADOPTED, and the case is dismissed
3 with prejudice.

4 Dated: January 15, 2010.

5
6 
7 **ROGER L. HUNT**
8 **Chief U.S. District Judge**
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26